

**HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 12 OF 2005.**

Rajendra R. Satav.
Age: 42 years, Occu: Business,
R/o: 733, Kasbapeth, Pune. ..Appellant.

Versus.

Smt. Kavita Vithal Gujar.
Age: 25 years, Occu: service,
R/o: C/o: Vithal Mohan Gujar,
43/53, Karvenagar, Nav Sahayadri
Society, Tol Hospital, Pune. ..Respondent.

Mr. D. B. Gupte for the appellant.

**CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.**

DATE: FEBRUARY 1, 2005.

P.C.

1. Heard Mr. D.M.Gupte learned counsel for the appellant. This appeal challenges the order passed by the Family Court, Pune whereby the application filed by the present appellant is dismissed.

2. The appellant had approached the Family Court with a request that the amount of maintenance which has been granted earlier shall be cancelled since the wife is getting income of Rs.5,460/- per month plus the amount of alimony of Rs.2,500/- per month. It appears that the wife is getting income of Rs.5,460/- from the Municipal Corporation. However, the trial court has considered that the case of the appellant that his income is Rs.3,500/- to Rs.4,000/- per

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month is not acceptable. It is to be noted that the appellant has admitted in cross examination that there is joint family business and there is partnership firm of his business. The partners are the members of the joint family. They are having their business on platform nos. 1, 4 & 5 of Pune Railway station. They are also having stall at Shivajinagar railway station and Khadki railway station. These all stalls are joint family business and income of these stalls is deposited in one account. Taking into consideration this aspect that these stalls are located at the prime localities, like Pune, Shivajinagar and Khadki railway stations, the court has concluded that the income of the applicant is Rs.16,000/- to 17,000/- per month. We find that the estimate arrived at by the trial court is on the lowest side. We find that reasonably the trial court has considered the income of the husband-appellant and thereafter has taken a view that the amount of Rs.2,500/- per month being paid to the wife-respondent by way of an alimony is just and proper. The wife's counter claim for the enhanced amount of alimony has also been rejected. We find that on just and proper reasons the order has been passed by the trial court, which does not require interference by this court. There is no other question of law involved in the present matter. Therefore, appeal is rejected in limine.

(D.B.BHOSALE,J.)

(S.B.MHASE, J.)

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